



RON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Medical Examiners
P.O. Box 183, Trenton, NJ 08625-0183

March 13, 2006



ZULIMA V. FARBER
Attorney General

KIMBERLY S. RICKETTS
Director

REGULAR MAIL AND
CERTIFIED RETURN RECEIPT

Michael Bendert, P.A.
743 South 20th St., Apt. 1
Philadelphia, PA 19146
and
7 North Oak Ave.
Endicott, NY 13760

For overnight deliveries:
140 East Front St., 2nd Floor
PO Box 183
Trenton, NJ 08608
(609) 826-7100
FAX: (609) 826-7117

Dear Mr. Bendert:

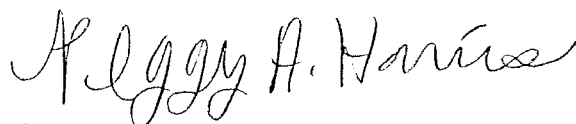
Enclosed is a certified true copy of the Administrative Action ORDER OF SUMMARY SUSPENSION filed March 13, 2006 with the New Jersey Board of Medical Examiners ("the Board"). This Order is being issued to you pursuant to the enclosed statute, N.J.S.A. 45:1-7.1, since you failed to renew your license to practice as a physician assistant in the State of New Jersey causing your license to expire August 31, 2003. This ORDER OF SUMMARY SUSPENSION is administrative and is not considered to be a disciplinary action against your license.

As noted in the Order, the Board is aware of the action taken by the New York Board concerning your New York license. In the event that you wish to reinstate your New Jersey physician assistant license at any future date, prior to engaging in any form of practice in this State, you will be required to appear before the Board or a Committee thereof, to respond to questions concerning the circumstances which gave rise to the disciplinary action. The Board may determine to take disciplinary action against you at that time based on the New York discipline and is in no way obligated to impose the same sanctions. The Board may impose more stringent discipline or place certain limitations upon your license. If you wish to be reinstated, you must submit your request in writing along with the required affidavit of employment listing each job held during the period of suspended license, which includes the names, addresses and telephone numbers of each employer, pursuant to the enclosed statute for reinstatement, N.J.S.A. 45:1-7.2. Should the Board determine to reinstate your license, you will be sent a biennial registration renewal application to complete and will be advised at that time of the total fee required.

Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

A handwritten signature in cursive script, reading "Peggy A. Harris".

Peggy A. Harris
Assistant Executive Director

Enclosure

cc: Sandra Dick, D.A.G.
Joyce Brown, D.A.G.
Ed Tumminello, EB
Dorcas O'Neal, Physician Assistants Advisory Board

the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1).

Any board's or commission's charges established, prescribed or changed pursuant to this section shall be established, prescribed or changed to such extent as shall be necessary to defray all proper expenses incurred by the board or commission in the performance of its duties but such charges shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

L.1974, c. 46, § 2, eff. June 24, 1974.

¹ N.J.S.A. § 45:1-3.1.

45:1-3.3. Administrative fees charged by boards; modification

The Director of the Division of Consumer Affairs may by rule establish, prescribe, or modify administrative fees charged by boards in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.). For purposes of this section, "administrative fees" are charges assessed to licensees, registrants or holders of certificates, as the case may be, for board functions that are not unique to a particular board but are uniform throughout all boards. Administrative fees include, but are not limited to, fees for a duplicate or replacement license, certification or registration, late renewal fee, license reinstatement fee, and the fee for processing change of address.

L.1999, c. 403, § 4, eff. Jan. 18, 2001.

45:1-4. Salary of secretary

The secretary of each of the boards mentioned in section 45:1-2¹ of this title, whether or not a member thereof, shall be entitled to receive such reasonable salary or compensation for his services as secretary as shall be fixed by such boards, which shall be paid by the boards from their receipts, unless an appropriation is made for the expenses of such boards, in which case the same shall be paid from such appropriation.

¹ Repealed. See, now, §§ 45:1-2.1, 45:1-2.2.

45:1-5, 45:1-6. Repealed by L.1979, c. 432, § 4, eff. Feb. 14, 1980

45:1-7. Professional or occupational licenses or certificates of registration; duration; expiration; exceptions; fees

Notwithstanding any of the provisions of Title 45 of the Revised Statutes or of any other law to the contrary, all professional or occupational licenses or certificates of registration, except such licenses or certificates issued to

real estate brokers or salesmen pursuant to chapter 15 of Title 45, which prior to the effective date of this act were issued for periods not exceeding one year and were annually renewable, shall, on and after the effective date of this act, be issued for periods of two years and be biennially renewable, except that licenses and business permits issued to electrical contractors and certificates of registration issued to qualified journeymen electricians pursuant to chapter 5A of Title 45 shall be issued for periods of three years and be triennially renewable; provided, however, the boards or commissions in charge of the issuance or renewal of such licenses or certificates may, in order to stagger the expiration dates thereof, provide that those first issued or renewed after the effective date of this act, shall expire and become void on a date fixed by the respective boards or commissions, not sooner than six months nor later than 29 months, after the date of issue.

The fees for the respective licenses and certificates of registration issued pursuant to this act for periods of less or greater than one year shall be in amounts proportionately less or greater than the fees established by law.

L.1972, c. 108, § 1. Amended by L.1991, c. 6, § 1.
Amended by L.2001, c. 21, § 1.

***45:1-7.1. Application to holders of professional or occupational licenses**

a. Notwithstanding any other act or regulation to the contrary, the provisions of this section and sections 6 and 7 of P.L.1999, c. 403 (C.45:1-7.2 et al.) shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L. 1978, c. 73 (C.45:1-15), who seeks renewal of that license or certificate.

b. Every holder of a professional or occupational license or certificate of registration or certification, issued or renewed by a board specified in section 2 of P.L.1978, c. 73 (C.45:1-15), who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate of registration or certification. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any professional or occupational license or certificate of registration or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.

c. Any individual who continues to practice with an expired license or certificate of registration or certification after 30 days following its expiration date shall be deemed to be engaged in unlicensed practice of the

regulated profession or occupation, even if no notice of suspension has been provided to the individual.

d. A professional or occupational license or certificate of registration or certification suspended pursuant to this section may be reinstated within five years following its date of expiration upon submission of a renewal application and payment of an additional reinstatement fee. An applicant seeking reinstatement of a license or certificate suspended pursuant to this section more than five years past its expiration date shall successfully complete the examination required for initial licensure, registration or certification and submit a renewal application and payment of an additional reinstatement fee.

e. A board specified in section 2 of P.L. 1978, c. 73 (C. 45:1-15) shall send a notice of renewal to each of its holders of a professional or occupational license or certificate of registration or certification, as applicable, at least 60 days prior to the expiration of the license or certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

L.1999, c. 403, § 5, eff. Jan. 18, 2000.

*** 45:1-7.2. Reinstatement**

A board may reinstate the professional or occupational license or certificate of registration or certification of an applicant whose license or certificate has been suspended pursuant to section 5 of P.L.1999, c. 403 (C.45:1-7.1), provided that the applicant otherwise qualifies for licensure, registration or certification and submits the following upon application for reinstatement:

- a. Payment of all past delinquent renewal fees;
- b. Payment of a reinstatement fee;
- c. An affidavit of employment listing each job held during the period of suspended license, registration or certification which includes the names, addresses, and telephone numbers of each employer; and
- d. If applicable, satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license or certificate of registration or certification.

L.1999, c. 403, § 6, eff. Jan. 18, 2000.

45:1-7.3. Renewal applications

a. Renewal applications for all professional or occupational licenses or certificates of registration or certification shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional or occupational practice within the State.

b. An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the board, the board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that he has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license, registration or certification, if applicable.

L.1999, c. 403, § 7, eff. Jan. 18, 2000.

45:1-8. Contractors; application of § 45:1-9

The provisions of this act apply to the following classes of contractors:

- a. Tree experts, certified pursuant to P.L.1940, c. 100 (C. 13:1-28 et seq.);
- b. Home repair contractors, licensed pursuant to P.L.1960, c. 41 (C. 17:16C-62 et seq.);
- c. Electrical contractors, licensed pursuant to P.L.1962, c. 162 (C. 45:5A-1 et seq.);
- d. Master plumbers, licensed pursuant to P.L.1968, c. 362 (C. 45:14C-1 et seq.);
- e. Well drillers, licensed pursuant to P.L.1947, c. 377 (C. 58:4A-5 et seq.); and
- f. Any class of contractors who hereafter are licensed by the State.

L.1973, c. 254, § 1, eff. Nov. 26, 1973.

¹ Renumbered C. 45:15C-1 to 45:15C-10.

FILED

March 13, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
P.O. Box 45029
124 Halsey Street
Newark, New Jersey 07101

By: Joyce Brown
Deputy Attorney General
Tel: (973) 648-4447

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	
	:	
MICHAEL BENDERT, P.A.	:	Administrative Action
License No. MP00827	:	
	:	
	:	ORDER OF SUMMARY
TO PRACTICE AS A PHYSICIAN ASSISTANT	:	SUSPENSION
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information revealing the following:

1. Respondent, Michael Bendert, P.A., is the holder of License No. MP00827 and was licensed to practice as a physician assistant in the State of New Jersey from January 30, 2002 until August 31, 2003 after which time Respondent permitted that license to lapse.

CERTIFIED TRUE COPY

2. On or about December 9, 2005 the New York State Board for Professional Medical Conduct ("New York Board") issued a Consent Order adopting the Consent Agreement and Order of December 7, 2005. Respondent did not contest the charge of negligence on more than one occasion with regard to his care and treatment of Patients A,B,C,D, and E. By the terms of the Consent Agreement and Order, Respondent's license was suspended for an indefinite period, but no less than twelve (12) months and until a modification order is issued staying the suspension. Respondent's license to practice as a Registered Physician Assistant was limited to permanently preclude him from practicing in an urgent care setting or emergency room. Respondent's license is also subject to a permanent limitation requiring him to have a supervising physician on-site while he practices. (Copy of Order and available supporting materials are annexed hereto and made a part hereof.)

3. Respondent's failure to submit his biennial renewal in 2003 resulting in a lapsed license status provides grounds to automatically suspend Respondent's license to practice as a physician assistant in the State of New Jersey pursuant to N.J.S.A. 45:1-7.1(b).

ACCORDINGLY, IT IS ON THIS 13th DAY OF Mar, 2006,
HEREBY ORDERED THAT:

1. Respondent's license to practice as a physician assistant in the State of New Jersey shall be and hereby is suspended by operation of N.J.S.A. 45:1-7.1, without a hearing.

2. In the event that Respondent seeks reinstatement of a New Jersey license at any time in the future, this Order shall require Respondent to show cause why the application for reinstatement should not be refused or issued subject to such restraints or limitations, as the Board may deem appropriate, because of the prior New York licensure action set forth above.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

Sindy M. Paul, MD, MPH

By: _____

Sindy Paul, M.D.
President

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MICHAEL BENDERT, R.P.A.

CONSENT
ORDER

BPMC No. #05-284

Upon the application of Michael Bendert, R.P.A. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 12-8-2005



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MICHAEL BENDERT, R.P.A.

CONSENT
AGREEMENT
AND
ORDER

Michael Bendert, R.P.A., representing that all of the following statements are true, states:

That on or about January 2, 2003, I was licensed to practice as a Physician Assistant in the State of New York, and issued License No. 009205 by the New York State Education Department.

My current address is 7 North Oak Avenue, Endicott, NY 13760, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with four specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the first specification, in full satisfaction of the charges against me, and agree to the following penalty:

My license shall be suspended for an indefinite period but no less than twelve months. Upon compliance with all conditions of this Order, but no sooner than twelve months from the effective date of this order, I may petition the Board for a Modification Order staying the indefinite suspension of my license.

My license to practice as a Registered Physician Assistant shall be limited to permanently preclude me from practicing in an urgent care setting or emergency room. My license shall be subject to a permanent limitation requiring me to have a supervising physician on-site while I practice. The on-site supervisor limitation may be removed upon my petition to the Director after the five year term of probation ends. The Director in his sole discretion will determine whether or not to remove this limitation.

I understand and agree:

That any Modification Order the Board may issue, in the exercise of its reasonable discretion, may include terms of probation, and/or further conditions on my practice.

That the Board will exercise its reasonable discretion upon my petition for a Modification Order through a Committee on Professional Conduct, after a proceeding in which I have met a burden of proof and persuasion as further set forth in attached Exhibit "B".

That the Committee's exercise of discretion shall not be reviewable by the Administrative Review Board.

I further agree that the Consent Order shall impose the following conditions:

That, Respondent shall return any and all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United

States Department of Justice, Drug Enforcement Administration, within thirty days of this Order's effective date. Further, within thirty days of returning these prescriptions and surrendering said registration, Respondent shall provide the Director of OPMC ("Director") with written evidence, satisfactory to the Director, that Respondent has complied with this condition.

That Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent

Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

I am aware and agree that regardless of prior communication, the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chairperson of the State Board for Professional Medical Conduct each reserve full discretion to enter into the agreement which I propose and this application which I submit, or to decline to do so.

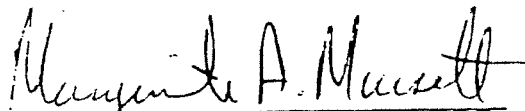
DATE: 12-1-05



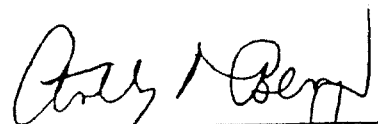
MICHAEL BENDERT, R.P.A.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 12-1-05


MARGUERITE A. MASSETT, ESQ.
Attorney for Respondent

DATE: 12/2/05


ANTHONY M. BENIGNO
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12/06/2005


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
MICHAEL BENDERT, R.P.A.

STATEMENT
OF
CHARGES

MICHAEL BENDERT, R.P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about January 2, 2003, by the issuance of license number 009205 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a 65 year old male (patient names are listed in the Appendix) on May 6, 2004, at Chenango Memorial Hospital in Norwich, New York. Patient A presented with a history of a grinder injury to his left dorsal ring finger over the proximal interphalangeal joint. Respondent treated him by cleansing and suturing the wound. Respondent discharged the patient with a prescription for Tylenol with codeine and advised him to follow up with his primary care physician. Respondent's medical care of Patient A failed to meet accepted standards of medical care in the following respects:
1. Respondent failed to adequately evaluate the wound.
 2. Respondent failed to promptly refer Patient A to a hand surgeon.
 3. Respondent failed to place Patient A on appropriate antibiotics.

- B. Respondent treated Patient B, a 22 year old female who was 24 weeks pregnant, on March 5, 2004 at Chenango Memorial Hospital. Patient B presented with a history of an injury to her right hand with swelling. Respondent's medical care of Patient B failed to meet accepted standards of medical care in the following respects:
1. Respondent failed to examine and record the fetal heart sounds.
- C. Respondent treated Patient C, a 25 year old female, on August 2, 2004 at Chenango Memorial Hospital. Patient C presented with a history of a red line on her right foot with tingling. She had a low-grade fever with otherwise normal vital signs. Respondent's medical care of Patient C failed to meet accepted standards of medical care in the following respects:
1. Respondent failed to adequately examine and/or record his examination of Patient C.
 2. Respondent failed to adequately address Patient C's infection and/or treat with appropriate antibiotics.
- D. Respondent treated Patient D, a 41 year old male, on August 3, 2004 at Chenango Memorial Hospital. Patient D presented with a history of exposure to a bat. Respondent's medical care of Patient D failed to meet accepted standards of medical care in the following respects:
1. Respondent inappropriately ordered the immune globulin administered in Patient D's abdomen instead of the deltoid muscle.
- E. Respondent treated Patient E, a 60 year old female, on September 7, 2004 at Chenango Memorial Hospital. Patient E presented with a history of mild

at Chenango Memorial Hospital. Patient E presented with a history of mild abdominal pain and vomiting. Patient E had epigastric, bilateral flank and lower chest pain. Respondent's medical care of Patient E failed to meet accepted standards of medical care in the following respects:

1. Respondent failed to conduct and/or record a rectal exam.
2. Respondent failed to order appropriate laboratory and/or monitoring tests.

- F. On or about October 27, 2003, Respondent submitted an application for appointment to Chenango Memorial Hospital as a physician assistant. In response to the question, "Have you ever been named as a defendant in any criminal proceeding?", Respondent replied, "no". Respondent had previously been convicted of petit larceny on two occasions and driving while intoxicated on two occasions dating back to 1979 through 1984.
- G. On or about December 28, 2004, Respondent submitted an application for employment with Allergy and Asthma Associates in Ithaca, New York. In the declaration of his employment application the Respondent declared, "...that he has no history of arrests or criminal records..." Respondent had previously been convicted of petit larceny on two occasions and driving while intoxicated on two occasions dating back to 1979 through 1984.
- H. In his application for licensure submitted to the New York State Department of Education on November 18, 2002, Respondent replied "no" to the question, "Have you ever been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court?" Respondent had previously been convicted of petit larceny on two

occasions and driving while intoxicated on two occasions dating back to 1979 through 1984.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. The facts in paragraphs A and A1, A and A2, A and A3, B and B1, C and C1, C and C2, D and D1, E and E1, and/or E and E2.

SECOND THROUGH FOURTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. The facts in paragraph F.
3. The facts in paragraph G.
4. The facts in paragraph H.

DATE: *December 2*, 2005
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

1. The suspension of Respondent's license shall be terminated only upon a showing to the satisfaction of a Committee on Professional Conduct (Committee) of the State Board for Professional Medical Conduct (Board) that Respondent has successfully complied with or completed a course of therapy and ongoing evaluation, which successful compliance or completion must include a determination by said Committee that Respondent is both fit and clinically competent to practice as a physician assistant.
2. Upon Respondent's request, but after the passage of the minimum period of suspension, a meeting of a Committee shall be convened for the purpose of hearing and evaluating Respondent's showing referred to in paragraph 1. The Board will make reasonable attempts to convene a Committee not later than 90 days after Respondent's request, which shall not be deemed to have been perfected until receipt, by the Director of the Office of Professional Medical Conduct, (Director) of all that is required to be provided by Respondent pursuant to the Conditions imposed upon Respondent and pursuant to paragraph 3 below. The procedural nature of said proceeding shall be determined by the Board through the discretion of the Director of OPMC upon consultation with Counsel, Bureau of Professional Medical Conduct (Counsel). Proceedings before said Committee shall not be in the nature of a hearing pursuant to New York Public Health Law § 230, but shall instead be informal and intended only for the purpose of addressing any and all facts, evidence, information, circumstances, or issues which do or may relate to the advisability of terminating the suspension of Respondent's license. The Committee shall be given access to evidence including, but not limited to:
 - a. Any and all evidence pertaining to Respondent's compliance with the conditions imposed.
 - b. Any evidence which the Director or Counsel deems appropriate.
3. At the time that Respondent requests that a meeting of a Committee be scheduled, pursuant to paragraph 2, he shall provide the Director of OPMC with proof of competency and fitness, including, but not limited to:
 - a. Fully executed waivers of patient confidentiality concerning any previous and prospective treatment records.
 - b. A current, independent, in-depth chemical/alcohol dependency evaluation and neuro-psychiatric evaluation by a board-certified psychiatrist specializing in addiction medicine. Said evaluations shall be proposed by Respondent and approved in writing by the Director in advance of getting the evaluations.
 - c. A current in-depth clinical competency assessment performed by a program approved in advance by the Director of OPMC.
 - d. Upon request of the Director of OPMC, Respondent shall attend, participate in and cooperate with an interview with designated

personnel from the OPMC.

Provision of the aforesaid documents will not, alone, constitute a showing that Respondent is not incapacitated for active practice as a physician assistant.

4. If the Chairperson of the Committee issues an order (Order) finding that Respondent has regained fitness and competence to practice medicine, and therefore terminating the suspension of Respondent's license, the Order shall further impose a period of probation, pursuant to New York Public Health Law § 230-a, during which Respondent's practice as a physician assistant shall be subject to conditions imposed. **Respondent's practice shall be subject to such conditions for a period of no less than five years.** The minimum conditions shall include the following:
 - a. At the direction of the Director of OPMC, Respondent shall submit to periodic interviews with, and evaluations by, a board-certified psychiatrist/neurologist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding Respondent's condition and Respondent's fitness or incapacity to practice as a physician assistant.
5. Upon any denial of Respondent's petition for suspension termination made by the Committee, Respondent shall not again request convening a Committee until a minimum period of nine months has elapsed since such denial.
6. In addition to the aforementioned terms and any other terms added by the Committee upon the termination of Respondent's license suspension, he shall also be subject to the following standard terms of probation:
 - a. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by the profession of medicine.
 - b. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
 - c. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
 - d. Respondent shall fully cooperate with and respond in a timely

manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.

- e. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
 - f. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or are necessary to protect the public health.
 - g. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
 - h. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by state rules and regulations regarding controlled substances.
7. The aforementioned terms shall be the minimum probation terms, related to Respondent's fitness to practice, to be imposed on his practice upon terminating the suspension of his license, and that other terms may be added by the Committee, and that the costs of complying with all such terms will be Respondent's responsibility. Any failure by Respondent to comply with the conditions imposed upon his practice at the time of suspension termination, may result in disciplinary action being brought against his charging professional misconduct as defined by the New York State Education Law, including but not limited to NY Education Law § 6530(29).